

UNITED STATES DISTRICT COURT  
FOR THE WESTERN DISTRICT OF WISCONSIN

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Megan Hemling, individually and as  
Personal Representative for the Spouse  
and Children of Robert J. Hemling, Decedent,

Plaintiff,  
vs.

Civil Action No. 3:19-cv-894-jdp

Soo Line Railroad Company, a corporation,  
d/b/a Canadian Pacific, a Minnesota corporation;  
Cedar Creek, LLC, a domestic limited  
liability company,

Defendants.

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**DEFENDANT CEDAR CREEK, LLC'S WITNESS LIST**

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Defendant Cedar Creek, LLC ("Cedar Creek") respectfully submits the following list of witnesses which it may call at trial:

**A. Cedar Creek current expects to call the following witnesses to testify in-person at trial:**

1. Jordan Rueth  
15690 County Highway A, Lot 9  
Sparta, WI 54656

A former employee of Cedar Creek Jordan Rueth is expected to testify regarding information related to the Decedent, the Incident, and the Incident Site.

2. Wayne Pieper, c/o BlueLinx Co.  
1950 Spectrum Circle, Suite 300  
Marietta, GA 30067

An employee of Cedar Creek Wayne Pieper, was the Mill Manager of Cedar Creek's Sparta, WI facility at the time of the Incident. Wayne Pieper is expected

to testify regarding information related to the Decedent, the Incident, and the Incident Site.

3. Stephen Hemmersbach, c/o BlueLinx Co.  
1950 Spectrum Circle, Suite 300  
Marietta, GA 30067

An employee of Cedar Creek, Stephen Hemmersbach and was the Operations Manager of Cedar Creek's Sparta, WI facility at the time of the Incident. Mr. Hemmersbach is expected to testify regarding information related to the Decedent, the Incident, and the Incident Site.

4. Steven Lindauer, c/o BlueLinx Co.  
1950 Spectrum Circle, Suite 300  
Marietta, GA 30067

An employee of Cedar Creek, Steven Lindauer, was the Regional Vice President of Cedar Creek, and the General Manager of Cedar Creek's Sparta, WI facility, at the time of the Incident. Mr. Lindauer is expected to testify regarding information related to the Decedent, the Incident, and the Incident Site.

5. W.C. Hunt  
19313 South Yale  
Mounds, Oklahoma 74047

A former employee of Cedar Creek, W.C. Hunt was Cedar Creek's Safety Director at the time of the Incident. Mr. Hunt is expected to testify regarding information related to the Incident and the Incident Site.

6. Chad Barron – c/o Canadian Pacific Railway  
7550 Ogden Dale Road S.E.  
Calgary, AB T2C 4X9 Canada

Chad Barron was Manager of Claims and Litigation at CP at the time of the Incident. Mr. Barron is expected to testify regarding the Decedent, the Incident, the accident scene and the photographs taken by Mr. Barron.

7. Norbert Denzer – c/o Canadian Pacific Railway  
7550 Ogden Dale Road S.E.  
Calgary, AB T2C 4X9 Canada

Norbert Denzer was a locomotive engineer for CP at the time of this Incident. Mr. Denzer was operating the locomotive at the time of Plaintiff's incident and

death on 3/27/18, and is expected to testify regarding the Incident, working conditions, equipment, job procedures, work customs and practice.

8. Shannon Hoeffler – c/o Canadian Pacific Railway  
7550 Ogden Dale Road S.E.  
Calgary, AB T2C 4X9 Canada

Shannon Hoeffler was Senior Trainmaster CP at the time of the incident and was present at the incident location after notification. It is expected that Ms. Hoeffler will testify regarding the routine work activities of the crew and the history of service being provided to Cedar Creek.

9. Kurt Lauth – c/o Canadian Pacific Railway  
7550 Ogden Dale Road S.E.  
Calgary, AB T2C 4X9 Canada

Kurt Lauth was an Engineer for CP at the time of this incident and provided a statement to CP claims after the incident. It is expected that Mr. Lauth will testify regarding his work with CP on the Saturday prior to this incident in Sparta, WI.

10. Tracey Richardson - c/o Canadian Pacific Railway  
7550 Ogden Dale Road S.E.  
Calgary, AB T2C 4X9 Canada

Tracey Richardson was a Conductor for CP at the time of this Incident and provided a statement to CP claims after the incident. It is expected that Tracey Richardson will testify regarding his work with CP on the Saturday prior to this incident in Sparta, WI.

11. Fawzi P. Bayan, CSP  
S.E.A., Ltd.  
795 Cromwell Park Drive, Ste. N  
Glen Burnie, MD 21061

Fawzi Bayan is a Principal Engineer and Director of Accident Reconstruction Group at SEA, Ltd. Mr. Bayan will testify regarding his file analysis, research, inspection, and conclusions related to the subject incident, in addition to his education, training, knowledge and experience.

12. Gary R. Skoog, Ph.D.  
Legal Econometrics, Inc.  
324 Bay Tree Circle  
Vernon Hills, IL 60061

Gary Skoog is the President of Legal Econometrics, Inc. Mr. Skoog is expected to testify regarding his file analysis, research, and calculations in addition to his education, training, knowledge and experience.

13. Thomas E. Beniak, Ph.D., ABPP  
ExamWorks  
6465 Wayzata Blvd., Suite 900  
Minneapolis, MN 55426

Dr. Thomas Beniak is a board certified in clinical neuropsychology. Dr. Beniak will testify regarding his record review and analysis, research, findings and opinions, in addition to his education, training, knowledge and experience.

14. Bradley B. Randall, MD  
Dakota Forensic Consulting  
2441 Stanton Drive  
Sioux Falls, SD 57103

Dr. Randall is a board certified Forensic Pathologist. Dr. Randall will testify regarding his record review and analysis, research, findings and opinions, in addition to his education, training, knowledge and experience.

15. Foster Peterson  
ESi  
430 Technology Parkway NW  
Norcross, GA 30092

Mr. Peterson is a railroad operations expert. Mr. Peterson will testify regarding his file analysis, research, inspection, and conclusions related to the subject incident and related railroad operation, in addition to his education, training, knowledge and experience.

16. Nancy Landre, Ph.D., ABPP  
1580 N. Northwest Highway  
Suite 221-A  
Park Ridge, IL 60068

Dr. Nancy Landre is a board certified in clinical neuropsychology. Dr. Landre will testify regarding her record review and analysis, research, findings and opinions, in addition to her education, training, knowledge and experience.

17. Howard Schumaker, M.D.  
Mayo Clinic Health System  
310 West Main St.  
Sparta, WI 54656

Dr. Schumaker has knowledge in regard to Mr. Hemling's injuries and and the information contained in his records related to Mr. Hemling.

**B. Cedar Creek may also call the following witnesses to testify in-person at trial:**

1. Matthew Weller – c/o Canadian Pacific Railway  
7550 Ogden Dale Road S.E.  
Calgary, AB T2C 4X9 Canada

Matthew Weller was working as a Roadmaster for CP at the time of this Incident. It is expected that Mr. Weller will testify regarding CP's procedures and track maintenance, knowledge on CP's rules and compliance and the audit that took place on 11/30/2017.

2. Alexander Gibson – c/o Canadian Pacific Railway  
7550 Ogden Dale Road S.E.  
Calgary, AB T2C 4X9 Canada

Alexander Gibson was working as the Director Mechanical Department for CP at the time of this Incident. It is expected that Mr. Gibson will testify regarding the Incident and inspection of the railcars at the time of the incident.

3. Brad McDaniel – c/o Canadian Pacific Railway  
7550 Ogden Dale Road S.E.  
Calgary, AB T2C 4X9 Canada

Brad McDaniel was working as the Superintendent of Operations for CP at the time of this Incident. It is expected that Mr. McDaniel will testify regarding the Incident.

4. Officer Marc Nelson, Sparta Police Department  
121 E. Oak Street  
Sparta, WI 54656

Officer Marc Nelson was the responding officer at the scene of this incident, and is expected to testify regarding the condition of Decedent at the scene, first aid given, photographs taken at the scene, and conditions at the scene.

5. Any person disclosed as an expert by Plaintiff.
6. Any person identified on Plaintiff's Witness List.
7. Any person disclosed as an expert by Soo Line Railroad Company.
8. Any person identified on Soo Line Railroad Company's Witness List.

Cedar Creek also hereby reserves the right to supplement and/or amend this list, to call any witnesses disclosed by Plaintiff, to call any witnesses disclosed by Soo Line Railroad Company, to call any witnesses as may be necessary for impeachment purposes, any witnesses to establish foundation for any documents or other evidence, and any witnesses disclosed through discovery or subsequently discovered.

Dated: March 19, 2021

**HKM, P.A.**

/s/Jeffrey A. Abrahamson \_\_\_\_\_.

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Attorneys for Defendant Cedar Creek, LLC

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